

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

CASA DE MARYLAND, INC., *et al.*,

Plaintiffs,

v.

MAYORKAS, *et al.*,

Defendants.

Case No. 20-cv-02118-PX

**PLAINTIFFS' CONSENT MOTION TO STAY
TIME TO FILE MOTION FOR AWARD OF ATTORNEYS' FEES**

Plaintiffs respectfully move to stay their deadline to file a motion for an award of attorneys' fees and costs pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), pending the parties' ongoing efforts to resolve this issue without the need for the Court's intervention. In support of their motion, Plaintiffs state as follows:

1. On October 18, 2022, Defendants filed a motion to dismiss the above-captioned action on mootness grounds, arguing that Plaintiffs had obtained all relief sought in their complaint. *See* ECF No. 202.
2. On May 18, 2023, the Court granted Defendants' motion and dismissed this action. *See* ECF Nos. 211, 212.
3. Plaintiffs elected not to appeal the Court's order, and thus the Court's order on Defendants' motion to dismiss became a final judgment on July 18, 2023. *See* Fed. R. App. P. 4(a)(1)(B).
4. Pursuant to the EAJA, "[a] party seeking an award of fees and other expenses shall, within thirty days of final judgment in the action, submit to the court an application for fees and other expenses[.]" 28 U.S.C. § 2412(d)(1)(B).

5. The current deadline for Plaintiffs to file a motion for an award of attorneys' fees and expenses pursuant to the EAJA is August 17, 2023.
6. On May 23, 2023, Plaintiffs informed Defendants of their intention to seek an award of attorneys' fees and costs in this matter.
7. Since that time, the parties have met and conferred multiple times and have exchanged correspondence in an effort to negotiate a fee award without the need for a contested motion. The parties have succeeded in narrowing the issues, and further discussions may avoid the need for Court intervention.
8. Plaintiffs have conferred with Defendants regarding this request for an extension, and Defendants consent to Plaintiffs' request to stay their motion deadline while the parties continue to engage in discussions and to Plaintiffs' proposal that the parties file monthly status reports informing the Court of their progress.
9. The EAJA's 30-day deadline is not jurisdictional, *Scarborough v. Principi*, 541 U.S. 401, 414 (2004) (citation and internal quotation marks omitted), and courts routinely grant extensions under similar circumstances, *see, e.g., Asylumworks v. Mayorkas*, No. 1:20-cv-03815 (D.D.C.) Min. Orders of May 5, 2022, May 31, 2022, and July 12, 2022 (granting the plaintiffs' consent motions for extension of time to file attorneys' fees motion).
10. Plaintiffs' requested extension would serve the interests of judicial economy as it may avoid the need for the Court to expend resources in deciding a contested motion.
11. This is Plaintiffs' first request to extend their deadline to move for fees and costs under the EAJA. No other case deadlines will be affected if the requested extension is granted.
12. In light of the foregoing, Plaintiffs respectfully request a stay of their deadline to move for an award of attorneys' fees and costs under the EAJA.
13. A proposed order granting Plaintiffs' request is filed concurrently with this motion.

Date: August 9, 2023

Respectfully submitted,

/s/ Linda B. Evarts

Linda B. Evarts (Bar No. 22012)
Mariko Hirose (Bar No. 22337)
INTERNATIONAL REFUGEE ASSISTANCE
PROJECT
One Battery Park Plaza, 33rd Floor
New York, New York 10004
Telephone: (516) 838-1655
Fax: (516) 324-2267
levarts@refugeerights.org
mhirose@refugeerights.org

/s/ Bradley Jenkins

Bradley Jenkins (Bar No. 21415)
Zachary Manfredi (*pro hac vice*)
ASYLUM SEEKER ADVOCACY PROJECT
228 Park Avenue S. #84810
New York, NY 10003-1502
Tel: (646) 937-0368
Fax: (646) 968-0279
bradley.jenkins@asylumadvocacy.org
zachary.manfredi@asylumadvocacy.org

/s/ Richard Mark

Richard W. Mark (*pro hac vice*)
Joseph Evall (*pro hac vice*)
Katherine Marquart (*pro hac vice*)
Chris Jones (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, NY 10166-0193
Tel: (212) 351-4000
Fax: (212) 351-4035
RMark@gibsondunn.com
JEvall@gibsondunn.com
KMarquart@gibsondunn.com
CRJones@gibsondunn.com

Counsel for Plaintiffs